

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460



EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

March 31, 2022

In Reply Refer to:

EPA Complaint No. 01D-22-R2

William Sanchez, Director
San Juan Local Office
U.S. Equal Employment Opportunity Commission
525 F.D. Roosevelt Ave.
Plaza Las Americas, Suite 1202
San Juan, PR 00918-8001
William.sanchez@eoc.gov

Re: Referral of Administrative Complaint

Dear Mr. Sanchez:

The U.S. Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO) received the enclosed complaint as a referral from the Department of Labor on November 18, 2021. As written the complaint alleged discrimination with respect to the Puerto Rico Aqueducts and Sewer Authority's (PRASA) COVID-19 vaccination and testing requirements and the Complainant's relocation to a new facility. Based on several conversations with ECRCO staff, the Complainant expressed that he wished to file a complaint alleging that PRASA discriminated against him on the basis of disability, in violation of Section 504 of the Rehabilitation Act of 1973 (Section 504) as amended, 29 U.S.C. § 794, and EPA's nondiscrimination regulation at 40 C.F.R. Part 7, when PRASA took actions related to the issuance of its COVID-19 policy.

Pursuant to EPA's nondiscrimination regulation, ECRCO conducts a preliminary review of administrative complaints to determine acceptance, rejection, or referral to the appropriate Federal agency. See 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in the EPA's nondiscrimination regulation. First, the complaint must be in writing. See 40 C.F.R. § 7.120(b)(1). Second, it must describe an alleged discriminatory act that, if true, may violate the EPA's nondiscrimination regulation (i.e., an alleged discriminatory act based on race, color, national origin, sex, age, or disability). *Id.* Third, it must be filed within 180 days of the alleged discriminatory act. See 40 C.F.R. § 7.120(b)(2). Finally, the complaint must be filed against an applicant for, or recipient of, EPA financial assistance that allegedly committed the discriminatory act. See 40 C.F.R. § 7.15. See ECRCO's Case Resolution Manual for a more detailed explanation, available at

https://www.epa.gov/sites/production/files/2021-01/documents/2021.1.5_final_case_resolution_manual_.pdf.

After careful consideration, ECRCO is not accepting the complaint for investigation. The allegations, as well as information obtained through conversations between the Complainant and ECRCO staff on December 7, 2021, December 15, 2021, and January 18, 2022, even if true, did not provide sufficient basis for ECRCO to infer that a discriminatory act has occurred. As such, ECRCO is referring this complaint to the U.S. Equal Employment Opportunity Commission (EEOC) for appropriate action in accordance with 28 CFR 37.6(b) 29 CFR 1640.6(c).

ECRCO is closing this complaint as of the date of this letter. We have notified PRASA that EPA has referred the complaint to EEOC for further review, and we have notified the Complainant that his contact information has been shared with EEOC. Enclosed for your information, please find copies of our letters to the Complainant and to PRASA, as well as a copy of the original complaint.

If you have any questions, please contact the ECRCO Case Manager on the matter, Katelyn Liesner at liesner.katelyn@epa.gov, or Anhthu Hoang, Acting Deputy Director at hoang.anhthu@epa.gov or 212-637-5033. Thank you for your attention to this matter.

Sincerely,



Lilian S. Dorka, Director
External Civil Rights Compliance Office
Office of General Counsel

Enclosures

cc: Ariadne Goerke
Deputy Associate General Counsel
Civil Rights & Finance Law Office

Walter Mugdan
Deputy Regional Administrator
Deputy Civil Rights Official
U.S. EPA Region 2

Paul Simon
Acting Regional Counsel
U.S. EPA Region 2